

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PLAINTIFF: SUSAN J. YAMIN
%OPEN PANTRY COMMUNITY SERVICES, INC.
P.O. BOX 5127
SPRINGFIELD, MA 01101-5127
phone: (413) 737-7062

ATTACHMENT 1
05-30191-MAP
CIVIL ACTION

NO. RECEIVED
Clerk's Office
USDC, Mass.
Date 08.10.05
By [Signature]
Deputy Clerk

DEFENDANTS: CITY OF WESTFIELD POLICE DEPARTMENT
15 WASHINGTON STREET
WESTFIELD, MA 01085
phone: (413) 562-5411

CITY OF WESTFIELD POLICE PATROL OFFICER
PAUL A. PELLAN

CITY OF WESTFIELD SHIFT SUPERVISOR
LIEUTENANT PAUL MILLER

BOTH AT: 15 WASHINGTON STREET
WESTFIELD, MA 01085
phone: (413) 562-5411

DISTRICT COURT DEPARTMENT OF THE TRIAL COURT
WESTFIELD DIVISION
224 ELM STREET
WESTFIELD, MA 01085
phone: (413) 568-8946

HAMPDEN COUNTY DISTRICT ATTORNEY AND
PROSECUTOR'S OFFICE AND INVESTIGATORS
WESTFIELD DIVISION
224 ELM STREET
WESTFIELD, MA 01085
phone: (413) 568-8946

1 In January of 2005 I received a summons (copy attached) to appear in court for a 'show cause' hearing. It was for assault with a dangerous weapon. A crime which I didn't commit

2 I ran to my room hysterical, as I could not believe after all the terrible, unjust things that have happened to me, that this sort of thing could occur.

3 In July of 2004 a policeman came up to me in Walgreen's on Main Street in Westfield, MA. He said he was investigating me for hitting someone in the face with a rock and knocking a tooth out. I was shocked at this and told him I didn't do any such thing. He left. He left. I was upset by the encounter, but I trusted the police to find who had actually committed the crime.

4 I forgot about what happened in Walgreen's in my day-to-day struggle as a homeless person. I had thought that it must have been one of the many transient people that come and go from the neighborhood causing trouble but apparently unnoticed by the police.

5 That following Sunday I had finished having dinner in the soup kitchen at 101 Meadow St. in Westfield, MA. I had been sitting on a bench outside the building when one of the above mentioned transient people sat down near me. He frightened me so I walked down Meadow Street to check on my home as there had been some trouble there and I wanted to make sure it wasn't being vandalized.

6 All of a sudden someone in a silver Chevy Impala began driving up on the sidewalk and trying to run me down.

7. He would stop the car, jump out, scream and yell at me that I did something to someone while pounding his fists on the car. I'd try to run away and he would get back in the car and try to run me over again and would jump out, yell at me, then get back in the car and do it again.

8. I finally made it up the street to a 'Pub' that had an indoor payphone. I asked a woman coming out the door with a cell phone to please call the police. As she was calling I called the F.B.I. and left the make of the vehicle and license plate number because I thought the man driving the vehicle would kill me.

9. The police came. I spoke with one of them and told him I didn't know what this man was talking about. That I had been eating dinner in the soup kitchen. I had no idea that this had anything to do with what the policeman in Walgreen's had talked to me about.

10. I calmed down and waited awhile and went up the street towards Walgreen's. All of a sudden kids and youth gangs began to harass and chase me. They came from all over town. I kept calling 911 on payphones and whoever it was answering would always say 'they don't want you in town get out of town' and 'they don't want you in the neighborhood get out of the neighborhood'.

11. At the end of October 2004, I had been invited by Kate Ashe, an outreach worker in Westfield to stay in a group home called Leahy House at 86 Broad St., Westfield, MA 01085.

12. I had been living mostly outdoors since having been wrongly and illegally locked out of my home at 21 Miller St., Westfield, MA since February 11, 2002.

Case 3:05-cv-30181-MAP Document 2 Filed 08/26/2005 Page 4 of 21
13. I thought my life was getting better when I received³ the court summons for 'assault with a dangerous weapon.'

14. I went to the show cause hearing. A policeman said to the court clerk that the case was being brought by the Westfield Police.

15. I was told was told not to say anything as this was probably going to trial.

16. The woman identifying herself as Kimberly Murchison and someone identifying themselves as Eric Holt said 'yes' when asked by the court clerk if I was the person that threw rocks.

17. I was told I could leave and would be notified by mail of further action in the matter.

18. NOTE: I filed a request (copy attached) for a criminal identity theft investigation with the F.B.I. I have been aware for some time - other people as well - that there are people that resemble me, some of them not very nice.

19. I received an arraignment summons (copy attached) in March 2005. It was forwarded too late and I had the hearing continued to April 6, 2005.

20. When I got to the courthouse I was sent to the Probation Dept. for processing.

21. At that time I filled out a 'Motion to the Court' and Affidavit (copy attached) to dismiss and vacate the charges.

^{22.} When I was called before the judge I entered a not guilty plea and asked to submit the above mentioned 'Motion and Affidavit'.

^{23.} The judge would not allow it. I don't even think he looked at it.

^{24.} He insisted on proceeding at which time I was appointed a public defender - Donald Stolgitis - who spoke to me briefly at which time I told him where I ~~might~~ have been at the time the incident had occurred. It wasn't anywhere near those kids or a Kimberly Murchison. I also asked him if I could take a lie detector test. He said it costs six hundred dollars and not admissible in court.

^{25.} The attorney went to speak to someone to find out what this was all about. He came back to say he didn't think what they had was grounds to charge me and thought it would be dismissed at a pre-trial conference scheduled for May 17, 2005.

^{26.} Before being allowed to leave I had to sign a restraining order stating I would stay away from Eric Holt who I never went near to begin with. This also gives the police the right to monitor my whereabouts and I can tell you that practically every time I go out the door or coming to a corner or waiting for a bus the police are driving back and forth like I'm the most dangerous person on the planet.

^{27.} I showed up for the May 17, 2005 pre-trial conference and the attorney would barely speak to me. The prosecutor in the case didn't have any of the evidence that was supposed to be presented to me and my court appointed attorney Donald Stolgitis. I again asked him for a lie detector test and he said it costs six hundred dollars. I started questioning him about why this delay and he started threatening me with putting me in a hospital for a psychiatric evaluation.

I was told to leave and be back on June 27, 2005, Monday. (5)

29. I came to another pre-trial conference at 9:00 AM. I was immediately asked to approach the bench and after doing so was immediately taken by my arm and put in a prisoner holding area in a jail cell with ankle cuffs that cut me and made my ankles bleed. I was kept there for several hours.

30. Finally I was told I would be interviewed by a psychiatrist. The psychiatrist said the reason this was done was because my lawyer said I wasn't working with him on this. I was surprised to hear this as I had tried to communicate with him and been threatened with being committed for psychiatric evaluation if I spoke. I had tried to work with him. I asked him at the previous pre-trial conference why the prosecutor didn't have the evidence that he had asked them to produce this is when I was told to leave.

32. I went to his office twice. He wasn't there. I went to the courthouse in Westfield and asked to speak with him when he had the opportunity. I was told he wasn't there and he was very hard to reach.

33. I won't communicate in phone calls because I had done so when I was wrongly locked out of my home. I had been communicating over the phone with the Massachusetts Justice Project and given advice that ended up getting me permanently locked out of my home. So I don't like phone conversations in particular concerning legal issues, which is my right.

34. After speaking with the psychiatrist, I was told by him I could have the charges disappear after a year if I didn't get into further trouble. As I had not committed this crime I said that would be unacceptable. He kept making the offer, I kept refusing which made me come to the realization that the people in the courts were trying to frighten and intimidate me into confessing to something I didn't do. They frightened and intimidated me but it didn't work.

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I was finally brought to the courtroom holding cell, this time with the addition of handcuffs. I was told by the judge I could leave and to come back on Thursday, July 21, 2005.

36. The prosecutor has had two pre-trial conference opportunities to come forward with whatever they have concerning this case and failed to do so, resorting to having me shackled causing cuts and bleeding and subjecting me to a psychiatric evaluation - none of which - including being forced to sign a restraining order to stay away from someone I never went near in the first place - I should have been subjected to since I never committed this crime.

37. The above mentioned locked me in a cell with my ankles chained and bleeding to try to intimidate and bully and scare me - which they did. I'm scared but the fact remains I didn't commit this crime and I won't say otherwise.

38. The relief I am seeking is I want the City of Westfield, MA Police Departments investigative procedures reviewed, examined and corrected where necessary by the U.S. Department of Justice.

39. I want the District Attorney/Prosecutors office and their investigators and their investigative procedures reviewed and examined and corrected as to how they approach accusations and information that come to them in particular from the police. Do they just presume it's correct and gathered properly simply because it's the police?

40. I also want the Trial Court of Massachusetts District Court Department Westfield, MA moved to Hampden County Courthouse in Springfield, MA. The isolated nature of Westfield, MA allows for the continued abuse of power and authority and the denial - through legal chicanery or by completely ignoring - of peoples civil

and constitutional rights by people in authority or claiming to be in authority. ⑦

^{41.} I want the above mentioned charges dropped and vacated from the record.

^{42.} I want the person who committed this crime found.

^{43.} I want monetary damages for the anguish and physical suffering and ill-health I have been caused. I don't know how to put an amount on such a 'thing'.

^{44.} Since receiving the summons for a crime I didn't commit, I have suffered emotional distress, physical harm and ill-health. This has also served as a distraction to keep me from pursuing the legal remedies which I have only recently discovered I can seek in order to reclaim my right to live in my home which I was wrongly locked out of by the City of Westfield and the Westfield Police.

^{45.} I reserve the right to amend or add to this complaint as facts and information become available to me.

^{46.} I, Susan J. Yamin the Plaintiff, demands judgement against the defendants for damages and other such relief as the Court considers just.

*Signed under penalty of perjury,
Susan J. Yamin 7/20/05*

Susan J. Yamin
90 Open Pantry Community Services, Inc.
P.O. Box 5127
Springfield, MA 01101-5127
(413) 737-7062



Incident #: 04-989-OF
 Call #: 04-8476

Date/Time Reported: 07/16/2004 1318
 Report Date/Time: 07/16/2004 1347
 Occurred Between: 07/16/2004 1318-07/16/2004 1347
 Status: Incident Open
 Involves: Juveniles
 Reporting Officer: Patrol PAUL PELLAN
 Approving Officer: Lieutenant PAUL MILLER

Signature: _____

#	SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
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1	YAMIN, SUSAN J 7 FREE ST WESTFIELD MA 01085	F	W	48	538-66-0707	
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HEIGHT: 509 WEIGHT: 140 HAIR: BROWN EYES: BROWN
 BODY: SLIM COMPLEXION: FAIR
 DOB: 06/13/1956 PLACE OF BIRTH: SPRINGFIELD, MA
 LICENSE NUMBER: MA S16611944 ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: NO

SCARS: SC ABDOM(APPENDIX)

ALIAS LAST NAME	FIRST NAME	MIDDLE NAME	SSN	DOB
YAMIN	SUSAN	J	NOT AVAIL	06/13/1956

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE
 FATHER'S NAME: YAMIN, JOSEPH
 MOTHER'S NAME: ZINKUS, ANN

OCCUPATION: UNEMPLOYED

#	OFFENSE(S)	A/C	STATE LAW
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LOCATION TYPE: Highway/Road/Alley/Street Zone: 904-SOUTHEAST-IC
 CASIMIR ST 1
 WESTFIELD MA 01085

1	ASSAULT & BATTERY BY DANGEROUS WEAPON OCCURRED: 07/16/2004 1318 WEAPON/FORCED USED: Other AGGR. ASSAULT/HOMICIDE: Unknown Circumstances	C	265 15A
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COPY

Westfield Police Department
NARRATIVE FOR PTL PAUL A PELLAN

Ref: 04-989-OF

My name is Officer Paul Pellan of the Westfield Police Department and on July 16, 2004 I was working the 8am-4pm patrol shift assigned as the southwest sector of our city.

On 07/16/04 at approximately 1:15pm I was dispatched to 15 Frederick St for a reported assault and battery with a dangerous weapon. When I arrived at this residence I spoke to a parent by the name of Kimberly Murchison. She reported to me that her son Eric Holt was hit in the face with a rock that knocked out a tooth out of his mouth. Eric showed me the tooth that he had in his hand and it came from the left side of his lower jaw. Eric stated to me that the tooth was loose but not loose enough to fall out. Eric stated to me that he was riding his bicycle on Casimir St. and an older women was walking on Casimir St. also. He said that she was saying strange things to him and then started to throw small rocks at him hitting him in the face. This women was described as approximately 50 to 60 years of age, wearing a light blue t-shirt and gray pants. She was also described as carrying Wal-Mart bags in each of her hands. Kimberly stated that she has seen the women before but does not know where she lives. Kimberly stated that she was going to make an appointment with the dentist concerning her son Eric.

I did an area search of the neighborhood streets and also checked the Samaritin Inn and did not see anybody in the area. Kimberly Murchison was informed that if she notices this women in the neighborhood to call the Police Department so we can identify this person.

At approximately 3:45 on 7/16/04 I was dispatched to Walgreens as the suspect of this incident was located in the store. When I arrived I spoke to the suspect who was identified as Susan Yamin who is staying at 7 Free St. I asked her if she had been in an incident with some children earlier in the day on Casimir St. and she said that some kids were calling her names. Susan denied that she threw a rock at the children. According to three witnesses, Kaitlin Taylor age 12, Logan Taylor age 10 and John Gamache age 12 they state that they saw Susan throw the rock and hit Eric Holt in the face.

Susan Yamin will be summoned in for a show cause hearing on the assault.

100-989-OF

Incident #: 04-989-OF
Call #: 04-8476

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	HOLT, ERIC J 15 FREDERICK ST WESTFIELD MA 01085 DOB: NOT AVAIL EMPLOYER: STUDENT JUNIPER PARK INJURIES: Loss of Teeth ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 RELATION TO: YAMIN SUSAN	M	W	11	NOT AVAIL	

Stranger

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	TAYLOR, KAITLIN [REDACTED] DOB: NOT AVAIL EMPLOYER: STUDENT JUNIPER PARK	WITNESS	F	W	9	NOT AVAIL	
2	TAYLOR, LOGAN [REDACTED] DOB: NOT AVAIL EMPLOYER: STUDENT JUNIPER PARK	WITNESS	M	W	10	NOT AVAIL	
3	GAMACHE, JOHN [REDACTED] DOB: NOT AVAIL EMPLOYER: STUDENT JUNIPER PARK	WITNESS	M	W	12	NOT AVAIL	

NOTICE OF COMPLAINT HEARING		Trial Court of Massachusetts District Court Department	
NUMBER	0444CAP-389	COURT DIVISION	WESTFIELD DISTRICT COURT
TO THE DEFENDANT - SEE INSTRUCTIONS ON THE REVERSE SIDE		224 ELM ST	WESTFIELD, MA. 01085
DATE OF HEARING: 08/18/2005		WESTFIELD, MA. 01085	
NAME OF PLAINTIFF: [REDACTED]		OFFENSE: 265 15A	
NAME, ADDRESS, AND ZIP CODE OF DEFENDANT		ASSAULT & BATTERY BY DANGEROUS WEAPON (17)	
SUSAN JYAMIN		205	
7 FREE ST		15A	
WESTFIELD, MA. 01085			
A hearing upon this complaint application will be held at the above court address on		DATE OF HEARING	TIME OF HEARING
		Tues 2-8-05	AT 11:15 A.M.

TRIAL COURT OF THE COMMONWEALTH
DISTRICT COURT DEPARTMENT
WESTFIELD DIVISION
224 ELM STREET
WESTFIELD, MA 01085

01085+3002 03



Commonwealth of Massachusetts

**DISTRICT COURT DEPARTMENT OF THE TRIAL COURT
WESTFIELD DIVISION
224 ELM STREET
WESTFIELD, MASSACHUSETTS 01085**

CLERK / MAGISTRATE
CAROL J. KANTANY CASARTELLO

TEL. 568-8946
FAX 568-4863

PROBATION OFFICERS
SALLY A. MEIERS
CYNTHIA L. LACHOWETZ
NATHANIEL WILLIAMS
STEPHEN K. MOCZULEWSKI
TEL. 568-6451
FAX 562-0641

PHILIP A. CONTANT, FIRST JUSTICE
PATRICIA T. MARTINELLI, ASSOCIATE JUSTICE

**RE: APPLICATION FOR A CRIMINAL COMPLAINT
NOTIFICATION TO ALLEGED DEFENDANT**

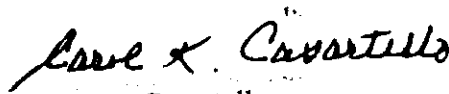
0444CAP-389

An application for Criminal Complaint has been filed against you. (A copy of the application is included herein.) A Hearing to determine whether or not a **CRIMINAL COMPLAINT** will issue against you will be held at the Westfield District Court on Tuesday, February 8, 2005 at 11:15 A.M..

In order to respond to the Application for Complaint against you, you must be present at the stated time to present your side of the matter. You may bring any witnesses and you may also bring an attorney, although it is not required that you be represented by counsel.

Please report to the Office of the Clerk Magistrate at least ten (10) minutes before the time assigned for the hearing and you will be directed to the hearing room.

Very truly yours,


Carol K. Casartello

CKC/kag

** If under the age of 18, you must be accompanied by a parent or guardian.

Concerning: Request for Identity Theft Investigation

To Whom It May Concern: The following 'Notice of Complaint Hearing' copy is for a crime I did not commit. It has come to my attention over the past several years that someone using my identity has been committing crimes in Westfield. When this offense was committed someone tried to repeatedly run me over while I was walking down a sidewalk on Meadow St., he jumped out of his car screaming at me that I did something to someone he knew. After that I was

NOTICE OF COMPLAINT HEARING NUMBER: 0444660-389 DATE: 8/24/05		Trial Court of Massachusetts District Court Department COURT DIVISION WESTFIELD DISTRICT COURT 221 E. Main St. WESTFIELD, MA 01085	
TO THE DEFENDANT: SUSAN J. TAMIN 7 FREE ST WESTFIELD, MA 01085		CHARGE: BATTERY BY DANGEROUS WEAPON (18A-6B-1)	
NAME, ADDRESS, AND ZIP CODE OF DEFENDANT: SUSAN J. TAMIN 7 FREE ST WESTFIELD, MA 01085		DATE OF HEARING: Tues 2-8-05 TIME OF HEARING: AT 11:15 A.M.	
A hearing upon this complaint application will be held at the above court address on		DATE OF HEARING: Tues 2-8-05 TIME OF HEARING: AT 11:15 A.M.	

Chased around Westfield on foot by gangs of youth yelling at me I had done something to one of their friends, Every time I called 911 dispatch for help the policeman would in a very angry voice say 'They don't want you in town, get out of town.' I beleive Someone the police brought into town to frame me did this. It wasn't me that committed the above offense, if it has actually occurred. Thank you.

Signed under penalty of perjury
 Susan J. Tamin 8/23/05
 Susan J. Tamin

**MOTION TO THE COURT
AND AFFIDAVIT**

CASE DOCKET NO.

Document 2

Filed 08/25/2005

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0574CR000184

**Trial Court of Massachusetts
District Court Department**



NAME OF CASE

PLAINTIFF / COMMONWEALTH

VS.

YAMIN, SUSAN J.
DEFENDANT

COURT DIVISION

Westfield District Court
224 Elm St.
Westfield MA 01085

On behalf of the ☐ Plaintiff ☐ Commonwealth ☒ Defendant in this case, I respectfully request the Court:

- ☐ **Continuance:** to continue this case which is presently scheduled for _____ on _____ DATE, until _____ DATE, for the reasons given on the back of this form.
- ☐ **Remove default:** to order that the default, default order, or default judgment that was entered on _____ DATE be set aside, and that this case be restored to the court's calendar, for the reasons given on the back of this form.
- ☐ **Remove dismissal:** to order that the order for, or judgment of, dismissal that was entered on _____ DATE be set aside, and that this case be restored to the court's calendar, for the reasons given on the back of this form.
- ☐ **Speedy trial:** to order that the complaints whose numbers are listed above be advanced for speedy trial, for the reasons given on the back of this form.
- ☐ **New trial:** to order that the court's judgment in this case dated _____ DATE be vacated and a new trial ordered, for the reasons given on the back of this form.
- ☐ **Revise or revoke sentence:** to revise or revoke the sentence(s) imposed in this case on _____ DATE for the reasons given on the back of this form.
- ☐ **Amend or extend an abuse prevention order:** to extend or amend the abuse prevention order under G.L. c. 209A dated _____ DATE in the manner and for the reasons given on the back of this form.
- ☐ **Withdraw from representation:** to be permitted to withdraw from further representation of the _____ PARTY in this case for the reasons given on the back of this form. I have notified my client of this motion.
- ☒ **Other:** (Specify what you are asking the Court to do, and the reasons for your request, on the back of this form.)

I have today ☐ mailed ☐ delivered a copy of this motion to all other parties to this case.

Any statements of fact made in this motion are made under the penalties of perjury and ☒ of my own personal knowledge. ☐ based on information that I believe is true.

DATE SIGNED
April 6, 2005

SIGNED
Susan J. Yamin

PRINT NAME
Susan J. Yamin

ADDRESS
86 BROAD STREET
WESTFIELD, MA 01085

DAYTIME TELEPHONE NO.
562-3864

If motion is agreed to by other party, that party or attorney should sign here (only date and name required)

DATE SIGNED _____ SIGNED _____

FOR CLERK-MAGISTRATE'S USE ONLY

This motion has been scheduled for hearing before the Court on this date and time.

DATE OF HEARING _____ TIME OF HEARING _____

DATE SIGNED _____ CLERK-MAGISTRATE OR DESIGNEE _____

FOR JUDGE'S USE ONLY

☐ After hearing ☐ Without a hearing this motion is ☐ Allowed. ☐ Denied.

DATE _____ JUSTICE _____

I request that the charges against me in this case be vacated as I did not commit this crime. I do not know the details of what occurred concerning the incident other than what I read in the police report.

When the policeman came up to me in Walgreen's I was shocked to hear him say he thought I had committed this crime.

I don't throw rocks at children. My brother had eight children and I used to spend an enormous amount of time with them and I never, no matter what the circumstances, did anything like that.

There are false accusations, not enough evidence to find the person who may have done this, if indeed the incident occurred at all.

I can tell you that I myself have encountered several individuals that more closely match the description of this person, in that area and acting in the same strange way. They never threw anything at me but they did scare me with their bizarre and sometimes obscene things they would say.

Again, I respectfully request that the court vacate these false charges against me.
 Signed
 of [illegible]
 Susan A. [illegible]

SUMMONS TO DEFENDANT			DOCKET NO. 0544CR000184		Trial Court of Massachusetts District Court Department
DEFENDANT'S DOB 06/13/1956	SEX F	HOME PHONE	WORK PHONE	NO. COUNTS 1	COURT NAME and ADDRESS Westfield District Court 224 Elm St. Westfield, MA 01085
DEFENDANT'S NAME and ADDRESS YAMIN, SUSAN J 7 FREE ST WESTFIELD, MA 01085					DATE YOU MUST APPEAR 03/25/2005 4-6-05
					YOU MUST APPEAR AT ABOVE COURT AT THIS DATE and TIME: ←←←←←
					TIME YOU MUST APPEAR 8:30 AM
					←←←←←
FIRST SIX COUNTS:					SCHEDULED EVENT ARRAIGNMENT
1. 265/15A/A A&B WITH DANGEROUS WEAPON c265 §15A(b)					

TO THE ABOVE-NAMED DEFENDANT:

You are hereby ordered to appear in this court on the date and time indicated above to answer to a criminal complaint that has been issued against you. Please report to the probation office upon your arrival at the court.

TESTE OF FIRST JUSTICE	DATE ISSUED	CLERK-MAGISTRATE
WITNESS: Hon. PHILIP CONTANT	03/16/2005	CAROL CASARTELLO

INSTRUCTIONS TO DEFENDANT

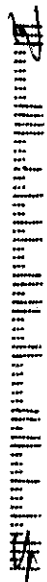
- YOU ARE REQUIRED TO APPEAR IN COURT** on the date and time shown above. Please bring this summons with you to the court.
- IF YOU FAIL TO APPEAR** in court on the date and time shown above or on any future scheduled dates, you will be found in default, a warrant for your immediate arrest will be issued, and you may be assessed substantial costs and warrant fees. The Registry of Motor Vehicles will also refuse to renew your driver's license and (if you are charged with a motor vehicle offense) will suspend your driver's license. The court may also issue a new complaint against you under G.L. c.276, §82A, which is separately punishable by up to \$50,000 in fines and up to 5 years imprisonment (if you are charged with a felony) or up to \$10,000 in fines and up to 1 year imprisonment (if you are charged with a misdemeanor).
- THE CHARGES AGAINST YOU.** The number of counts (charges) in this criminal complaint are shown in the "No. Counts" box above, and the first six counts are listed above. If there are more than six counts, you may obtain the details of them from the clerk-magistrate's office prior to arraignment. At your arraignment, you or your lawyer will be given a copy of the complaint.
- LAWYER.** You have a right to be represented by an attorney at every state of the proceedings against you. If you are charged with an offense punishable by imprisonment and you are unable to afford an attorney, you may be entitled to the services of a court-appointed attorney at no or reduced cost to you. You may apply for a court-appointed attorney when you report to the probation office on the date and time shown above.
- TRIAL BY JURY OR TRIAL BY A JUDGE.** If your case is not disposed of at arraignment or as a result of a pretrial hearing by a guilty plea or other disposition, it will be scheduled for a jury trial by a jury of six persons. If you waive the right to a jury trial, your case will be scheduled for a trial by a judge without a jury.

Atencion: Notificación oficial del tribunal; si no entiende inglés, obtenga una traducción.
 Attention: Avis officiel du tribunal, Anglais limite, veuillez faire traduire.
 Attenzione: avviso ufficiale del tribunale. Chi non capisce l'inglese lo faccia tradurre.
 Atenção: Este é um anúncio jurídico oficial. Mande traduzir-lo se você não compreende o Inglês.
 Atención: Es é um anúncio oficial di tribunal. Mandá traduzil si bu ca ta entendê Inglês.
 Atansyon: Se avi ofisyal Tribunal la. Fe tradwi'l souple, siw pa kon Angle.
 Внимание! Это повестка из суда. Если Вы не читаете по-английски, обратитесь к переводчику.
 注意: 这是正式的法律通告。如果您不懂英语，请找人代为翻译。

注意: 这是正式的法律通告。如果您不懂英语，请找人代为翻译。

TRIAL COURT OF THE COMMONWEALTH
DISTRICT COURT DEPARTMENT
WESTFIELD DIVISION
WESTFIELD, MA. 01085

01085+3003 03



WEDNESDAY 4/6/05
Forward to: Fisher House
Broad St.
Westfield, MA
01085



**ORDER OF PROBATION CONDITIONS
UPON FINDING OF GUILTY OR SUFFICIENT FACTS**

☐ RISK/NEED OR CUI SUPERVISION
☐ ADMINISTRATIVE SUPERVISION

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PROBATIONER'S NAME & ADDRESS

DISPOSITION

Trial Court of Massachusetts
District Court Department

Westfield District Court
224 Elm St.
Westfield MA 01085

Susan (Marie)
86 Broad St
Westfield MA 01085

Pre-Trial
5/17/05

TO THE ABOVE-NAMED PROBATIONER: You are hereby placed on probation by this Court. Unless you are excused by your probation officer, you must appear in court on the probation end date indicated, at which time a report on your probation progress will be made. If you fail to appear on that date or any other date required, a warrant may be issued for your arrest.

PROBATION START DATE

PROBATION END DATE

GENERAL CONDITIONS OF PROBATION (You must comply with Items 1-6 unless struck out by judge.)

1. Obey all court orders and all local, state and federal laws, including any support order, as defined in G.L. c. 119A, § 1A.
2. Report to your probation officer at such times and places as he or she requires, and make no false statements to your probation officer.
3. Notify your probation officer within 48 hours if you change residence or employment.
4. Pay any ordered Probation Supervision Fees monthly or, if permitted by the court, perform community service monthly.
5. Submit a DNA sample to the State Police, if required to do so by law. Register with the Sex Offender Registry, if required to do so by law.
6. Sign all releases necessary for supervision and verification of compliance.

(You must also comply with Items 7-9 if "RISK/NEED OR CUI SUPERVISION" is checked above.)

7. Allow the probation officer to visit you in your home with or without notice.
8. Report to your probation officer within 48 hours after you are released from any incarceration.
9. Do not leave Massachusetts unless you get the express permission of your probation officer and sign a waiver of rendition.

SPECIAL CONDITIONS OF PROBATION (You must also comply with all items checked below and all payments ordered.)

10. ☐ **EMPLOYMENT/SCHOOL:** Remain employed or make reasonable efforts to obtain employment or attend school, and provide verification as required.
11. ☐ **WORK/SCHOOL VISITS:** Allow the probation officer to visit your place of employment or school with or without notice.
12. ☐ **SUBSTANCE ABUSE EVALUATION/TREATMENT:** As directed by the probation officer, and subject to review by a judge on request, submit to and successfully complete any substance abuse evaluation, treatment and aftercare at a non-residential program. ☐ and/or a residential program.
13. ☐ **DRUG/ALCOHOL TESTING:** Remain ☐ drug free ☐ alcohol free. Submit to random testing as required.
14. ☐ **MENTAL HEALTH EVALUATION/TREATMENT:** ☐ Submit to evaluation ☐ Complete treatment and take medications as prescribed.
15. ☐ **SPECIFIC PROGRAMS:** Complete the following program(s), including any aftercare: ☐ Driver Alcohol Education (G. L. c. 90, § 24D)
☐ 14-Day Residential Driver Alcohol Education ☐ Certified Batterer's Intervention ☐ Anger Management Treatment ☐ Other:
16. ☒ **HAVE NO CONTACT WITH** ☐ and **STAY** (distance) _____ **AWAY FROM:** (name(s)) ERIC HOOT
17. ☐ **COMMUNITY SERVICE:** Perform _____ hours of community service as directed by probation.
18. ☐ **HOME CONFINEMENT:** Submit to home confinement and electronic monitoring until _____ pursuant to the schedule approved by the Court.
19. ☐ **OTHER CONDITIONS:**

PRETRIAL CONDITION

20. Make all **FINANCIAL PAYMENTS** listed below, as directed by probation.

JUDGE'S SIGNATURE

TYPE	AMOUNT	DUE DATE AND/OR TERMS
Counsel Fee/Contribution	\$	
Default Warrant Fee	\$	
Default Warrant Arrest Fee	\$	
Court Costs	\$	
Fine/Surfine/Civil Assessment	\$	
Restitution	\$	
Victim/Witness Assessment	\$	
Probation Fee & Surcharge	\$	
OUI § 24D State Fee	\$	
OUI Victims Assessment	\$	
Head Injury Assessment/Surfine	\$	
Drug Analysis Fee	\$	
Batterer's Program Assessment	\$	

SIGNATURE OF JUDGE

[Signature]

DATE: 4/6/05

INTERPRETER'S SIGNATURE

SIGNATURE OF INTERPRETER: If any, I have translated the terms of this Order and the acknowledgment set forth above to the probationer prior to his/her signature.

[Signature]

DATE:

PROBATIONER'S ACKNOWLEDGMENT OF ORDER

SIGNATURE OF PROBATIONER: I have read and understand the above conditions of probation and I agree to observe them. I understand that if I violate any such condition it may result in my arrest, revocation of probation, the entry of a guilty finding (if not already entered), and the imposition or execution of sentence. I have received a copy of this Order.

[Signature]

DATE: 4/6/05

PROBATION OFFICER'S SIGNATURE

SIGNATURE OF WITNESSING PROBATION OFFICER

[Signature]

DATE: 4-6-05

CIVIL COVER SHEET

JS 44 (Rev. 11/04)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS **SUSAN J. YAMIN**
SO OPEN PANTRY COMMUNITY SERVICES, INC.
P.O. BOX 5127
SPRINGFIELD, MA 01101-5127
 (b) County of Residence of First Listed Plaintiff **HAMPDEN**
 (EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS **CITY OF WESTFIELD POLICE DEPT. AND**
PAUL A. PELLAN AND PAUL MILLER - 15 WASHINGTON ST.
WESTFIELD, MA 01085 AND DISTRICT COURT DEPT. OF THE
TRIAL COURT WESTFIELD DIVISION AND HAMPDEN COUNTY DISTRICT
COURT AND PROSECUTOR OFFICE WESTFIELD DIVISION - 224 HILM ST.
 County of Residence of First Listed Defendant **WESTFIELD**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 PTF ☒ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 PTF ☐ 4 DEF
- Citizen of Another State ☐ 2 PTF ☐ 2 DEF Incorporated and Principal Place of Business In Another State ☐ 5 PTF ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF Foreign Nation ☐ 6 PTF ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): **18 USC Sec. 241****CONSPIRACY AGAINST RIGHTS**

Brief description of cause:

CONSPIRACY AGAINST RIGHTS

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ **YES-?**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

AUGUST 10, 2005**Susan J. Yamin**

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) SUSAN J. YAMIN vs. THE CITY OF WESTFIELD, MA POLICE DEPT.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

 I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

X II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.

*Also complete AO 120 or AO 121 for patent, trademark or copyright cases

 III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

 IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

 V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☐

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☐ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Susan J. Yamin

ADDRESS % OPEN PAINTRY COMMUNITY SERVICES, INC., P.O. BOX 5127, SPRINGFIELD, MA 01101-5127

TELEPHONE NO. (413) 737-7062